

On May 16, 1939, no claim having been made for the product, judgments of condemnation were entered and it was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30592. Adulteration of butter. U. S. v. 315 Tubs, 300 Tubs, and 285 Tubs of Butter. Consent decrees of condemnation. Product released under bond for reworking or denaturing as required. (F. & D. Nos. 44545, 44547, 44572. Sample Nos. 32917-D, 32950-D, 45608-D.)

Samples taken from this product were found to contain less than 80 percent of milk fat. Others contained added mineral oil. In some samples both conditions were found.

On November 17 and 21 and December 1, 1938, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 900 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 17, 24, and 28, 1938, by Deer Creek Creamery Co. from Atchison, Kans.; and charging adulteration in violation of the Food and Drugs act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923; and in that mineral oil had been substituted in part for butterfat.

On December 15 and 22, 1938, the Deer Creek Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked or denatured. The butter which was low in milk fat and not otherwise adulterated was reworked so that it contained 80 percent of milk fat, and that containing added mineral oil was denatured and disposed of for technical purposes.

M. L. WILSON, *Acting Secretary of Agriculture.*

30593. Adulteration of frozen fillets. U. S. v. 1,685 Boxes and 1,330 Boxes of Ocean Perch. Default decrees of condemnation and destruction. (F. & D. Nos. 45114, 45219. Sample Nos. 58957-D, 58978-D.)

This product contained parasitic worms.

On March 30 and April 19, 1939, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,015 boxes of ocean perch fillets at Cincinnati, Ohio; alleging that the article had been shipped in interstate commerce on or about March 17 and April 6, 1939, by Davis Bros. Fisheries, Inc., from Gloucester, Mass.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30594. Misbranding of canned peas. U. S. v. 100 Cases and 65 Cases of Canned Peas. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 44615, 44616. Sample Nos. 42214-D, 42215-D.)

This product fell below the standard established by this Department since the peas were not immature, and it was not labeled to indicate that it was substandard.

On January 3, 1939, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 165 cases of canned peas at Lebanon, Pa.; alleging that the article had been shipped in interstate commerce on or about July 25, 1938, from Milford, Del., by the Torsch Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cow-boy Brand June Peas" or "Torsch's Conqueror Brand No. 4 Sieve June Peas."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its label did not bear a plain and

conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 9, 1939, the Torsch Canning Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

30595. Adulteration of maple sirup. U. S. v. 83 Drums and 67 Drums of Maple Sirup. Consent decrees of condemnation. Product released under bond to be deleaded. (F. & D. Nos. 45296, 45338. Sample Nos. 60001-D, 60007-D.)

Analyses of this product showed that it contained lead.

On May 15, 1939, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 150 drums of maple sirup at Burlington, Vt.; alleging that the article had been shipped on or about May 1 and May 3, 1939, by United Maple Products, Ltd., in part from De Kalb Junction, N. Y., and in part from Edwards, N. Y.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 24, 1939, United Maple Products, Ltd., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be deleaded under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

30596. Adulteration of frozen fish fillets. U. S. v. 200 Boxes of Perch Fillets and 67 Boxes of Whiting. Default decree of condemnation. Product ordered converted into fertilizer. (F. & D. Nos. 44839, 44840. Sample Nos. 54320-D, 54321-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination a portion was found to contain parasites and a portion was decomposed.

On February 17, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 267 boxes of fillets at Chicago, Ill.; alleging that the article had been shipped on or about February 2, 1939, by New England Fillet Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Perch Fillets" and "H and G Whiting."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On April 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

M. L. WILSON, *Acting Secretary of Agriculture.*

30597. Adulteration of whitefish roe. U. S. v. Three Cases and One Barrel of Whitefish Roe (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 45171, 45172, 45173, 45193. Sample Nos. 60603-D to 60606-D, inclusive.)

This product contained parasitic worms; a portion also contained fish scales and miscellaneous tissue.

On April 11 and 13, 1939, the United States attorneys for the Southern and the Eastern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of three cases and one barrel of whitefish roe at New York, N. Y., and two boxes and one tub of fish roe at Brooklyn, N. Y., consigned in part by Stanley Johnson from Sturgeon Bay, Wis., and in part by George Dent from Two Rivers, Wis.; alleging that the article had been shipped in interstate commerce within the period from on or about March 13 to on or about April 3, 1939; and charging adulteration in violation of the Food and Drugs Act.

The libels alleged adulteration with respect to a portion in that it consisted in whole or in part of a filthy animal substance, and with respect to the remainder, in that it consisted of portions of an animal unfit for food.